



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF FIRE SERVICES  
RICHARD W. MILLER  
STATE FIRE MARSHAL

STEVE ARWOOD  
DIRECTOR

**STATE FIRE SAFETY BOARD MEETING MINUTES**  
**Thursday, June 27, 2013**

**Members Present**

John Enkemann  
Dean Mallos (Vice Chair)  
William Mayes  
Mark Jensen  
David J. Henry  
Andrew Lenaghan  
Thomas G. Lippens  
Dr. Usamah Mossallam  
Richard Prestage (Chair)  
Kassandra Renneberg  
Les Rodwell  
Ron Sabin

*Richard Miller, State Fire Marshal*

**Members Absent**

Greg M. Herman  
John Wozniak  
Dr. Ralph Hodek  
Donald B. Hicks

**Guests**

William Duffield	McDonald Modular
Dan Darnell	McDonald Modular
Chuck Block, Jr. (MISHE)	Spectrum Health / Michigan Society for Healthcare Engineering
Beth Bacon	Health Care Association of Michigan (HCAM)
Jerry Stevens	LTC Ombudsman
Terry Swisher	Battle Creek ANG Fire
Pat Riney	West Bloomfield Fire Department

**Michigan Department of Licensing and Regulatory Affairs Personnel**

Kasra Zarbinian	LARA, Bureau of Health Care Services
Kim Osborn	Bureau of Fire Services, Specialty Program Division
Walter Conyers	Bureau of Fire Services, Board Secretary

**CALL TO ORDER AND DETERMINATION OF QUORUM**

Board Chair Richard Prestage called the meeting to order at 1:00 p.m., following roll call by Board Secretary Walter Conyers, it was determined that a quorum was present. State Fire Marshal Miller gave emergency exiting procedures and direction for the new office at 3101 Technology Blvd.

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## Agenda

A **MOTION** was made by Board Member Mayes and supported by Board Member Henry to approve the meeting agenda. **MOTION CARRIED.**

## Disposition of Minutes

A **MOTION** was made by Board Member Rodwell and supported by Board Member Enkemann to approve the minutes of the April 25, 2013. **MOTION CARRIED.**

## BUREAU OF FIRE SERVICE REPORT

State Fire Marshal Miller gave special thanks to Board Chair Richard Prestage who was attending his last meeting as the Chair of the State Fire Safety Board, noting his 16 years on the Board. He thanked Dick for his help, diligence, traveling to meetings, taking time away from his business and family, and completing assignments given to him. "We really appreciate your service. Thank you."

On other issues the SFM Miller gave the following reports:

### Fireworks Update

The biggest project for the Bureau at this time is fireworks. The Bureau is heavy into the fireworks season and for the most part the program is running better than last year. Issues continue with "bootleggers" selling fireworks outside of the state law.

This year enforcement is better due to the use of ticket books for violations of the fireworks law. To date, thousands of dollars in violations have been issued. Violators make plans on weekends, knowing that the Bureau is an eight to five shop. After receiving department approval staff will be working overtime and begin a weekend schedule tomorrow night.

The Department of Treasury, Finance and the Office of Audit General are diligently working with us on concerns about fireworks vendors not paying taxes and the fireworks safety fees which support fire fighter training. Currently, a vendor can get a certificate to sell fireworks and if the vendor doesn't pay safety fees, the Bureau will not issue a certificate the following year. People are changing the name of their businesses and submitting applications under other names attempting to circumvent the system.

A stakeholders meeting was held and went very well. The meeting helped vendors understand Bureau processes and rules and gave the Bureau the opportunity to work out problems with vendors. A debriefing is scheduled in July, where issues and complaints will be discussed along with the compliments the Bureau received. Next year program improvements will be in place.

Board Member Rodwell asked for the after-hours number. SFM Miller stated that the Bureau's after-hours hotline will be posted on the Bureau website. Assumptions are, there will be heavy usage of the number through next weekend and the usage will die down after the holiday.

### Single Fire Code Update

The first meeting of the Bureau's Ad Hoc Committee which represents 12 groups was held July 24, 2013. Representatives from the fire service and various industries, along with the Department's Deputy Director who oversees the Bureau and bureau staff are part of this group. The goal is to decide between the International Fire Code (IFC) and the National Fire Protection Association (NFPA) code. Research topics surrounding the Single Fire Code include:

- Fee structure
- Who is responsible for the scope of work
- Who is going to inspect public assemblages
- Where the rules apply
- Do we reopen Public Act 207

Prior to SFM Miller's appointment, representatives from LARA went around the country visiting different states that have single fire codes. A couple of the states were identified as models. Irvin Polk, Director, BCC who is on the Ad-Hoc Committee, asked for expertise on developing the process of moving to a single fire code. It has been 10 -12 years since Michigan reviewed its various building codes, which at that time seemed to be working out very well.

The Ad-Hoc Committee anticipates the research will show a Single Fire Code will benefit everyone. The Single Fire Code will put the fire industry, architects, building officials, hospitals and schools on the same page. The time frame for completing the research and developing a recommendation for the Governor's consideration and legislative action is the end of the year.

### SAFER Committee

The State Fire Marshal is involved with the SAFER Committee which meets about once a month. This committee is formulating efficient ways to operate the fire industry and functions like an Ad-Hoc Committee. The committee is developing recommendations and formulating a plan that cannot be shared with Board members at this time. The SAFER Committee is identifying efficiencies in the fire industry and developing recommendations to submit to the Governor.

### Line of Duty Death

Several weeks ago the SFM worked on a project which involved the tragic loss of a firefighter in Westland. The question was raised regarding the state's role in a line of

duty death occurs. There are currently no established protocols for line of duty death in the responsibility of the State Fire Marshal. A procedure was developed to cover such events. It requires the State Fire Marshal to act as a representative of the state in the Line of Duty Death. In this capacity, the State Fire Marshal will obtain that days flag from the capitol and present the flag to the family with condolences prior to the funeral.

#### Public Service Announcement (PSA)

Last week a meeting was held with the state office of communication in Detroit. SFM Miller taped four PSA's for the upcoming fireworks seasons which air on WJR.

#### Upcoming Conferences

SFM Miller will be attending the Michigan State Fireman Association conference beginning June 27-29. He is also attending the Michigan Fire Chiefs conference in Traverse City, in July. As a member of the National Association of State Fire Marshals he will be attending their conference in Indianapolis, in August. SFM Miller is also on the NPFA committee for the Southwest Regional Code Development which will meet in South Dakota, in October.

#### Statistics for Fireworks

The Finance Director called this morning because the Detroit Free Press was inquiring on the number of structures approved by the state. The non-permanent structure count is **568** and the permanent structure count is **147**. The numbers are close to last year's count. The 900 applications received were whittled down to these numbers due to deficiencies in the application process, which either did not include a site plan or proof of insurance.

SFM Miller stated NFIRS numbers will be sent to the Board.

#### Legislative Update

##### HB 4743

This law allowed locals to enact ordinances on particular days to restrict the time of discharge from midnight to 8:00 a.m., or from 1:00 a.m. to 8:00 a.m. depending on the size of the city or township and the county. The Bureau made recommendations to the Governor months ago regarding three areas: child safety/age; proximity and time of discharge. The time of discharge recommendation is the only one covered in the new law. Local civilians were screaming about the 24/7 discharge of fireworks. It was a battle to get the midnight to 8:00 a.m., requirement included in the law.

There is one exemption, on New Year's Day, for a township or municipality with higher populations; the ban will start at 1:00 a.m. Most townships or municipality will be enacting ordinances in their area. Section 7 of Act 64 provides a clarification regarding

who is responsible for the safety fees. The vendor to whom a fireworks certificate is issued is responsible for submitting all fireworks safety fees.

Section 11 outlines the two different fees, the firework safety fees and the certification fee of which 100% of the money received from fire safety fees go to firefighter training in the State of Michigan. The certificate fees are reverted back the Bureau of Fire Services for operational fees and delegation. The delegation program is operational for the first time this year. There are 51 approved delegations, mostly in the southeast side of the state. There is no delegation in the Upper Peninsula. There have been complaints about the delegation program. The delegation provision originally wasn't included in the bill, but was discussed. It was an 80/20 split. It is now official that there is a 70/30 split in the delegation program. The delegated fire inspector has the authority only to inspect, with no enforcement authority.

### HB 4713

There is some movement to reduce the number of fire drills in schools and increase shelter in place drills. SFM Miller is not in favor of this proposal. The reason for reducing fire drills is that fires in schools haven't happened recently. Fires do occur and drills work. There is an issue with schools documenting fire drills. Supporters of the bill want language to require posting the drills on school websites or the governing body websites with the criteria indicated in line 20-21 regarding conducting these drills.

Board Member Enkemann stated that proposal is an amendment to the law. He questioned the power of the Board as an entity to object to this proposal. SFM Miller responded that our only recourse is to individually write a letter to the legislators. SFM Miller can testify on this proposal and question why a shelter in place drill is needed, and why the number of fire drills should be reduced. Twelve drills were required per school year. Currently, six are required with two tornado drills and two other drills, leaving a reduction of three fire drills.

Board Member Mossallam responded as a "devil's advocate" in this discussion. He stated that he did not have a personal opinion or position on this issue either way. From a medical perspective, evidence is always needed to support a position. He asked for evidence that suggest that more drills would be safer.

SFM Miller responded that training is required on how to react and what to do. SFM Miller stated there are statistics that supports the twelve drills are based on once a month. Board Member Mossallam countered that the drills are based on a nine month school year. He requested more evidence to support the SFM's position and show the current requirements are effective. SFM Miller will ask for the research information from the person who designed this bill.

Board Member Mayes states that shoddy recording is inexcusable. He said, "You must be able to know your buildings and trust the administration. This is indefensible." SFM Miller responded that the Bureau is working to make sure the recording is accurate; the

drills are taking place, and the information is trustworthy. "I am a firm believer that one can have more than one drill in a day. It's smart to have a drill in the morning and one in the afternoon. Kids move in the school based on the grade level. Elementary students normally stay in one location, however, in high schools students are constantly relocating."

Board Member Renneberg responded that current law wasn't preventing fires, but was preventing injuries to the children. Renneberg continued, "If you have the number of children who are saved due to the diligence of going through the fire drills, how many fires there were and how children left the building safely with no problem." Board Member Mossallam ended this discussion by saying that powerful testimony and evidence will win most cases.

### **Guest Speaker Geraldine Drake, NCIDQ "Healthy Interiors and Sustainable Design"**

Kim Osborn from the Bureau of Fire Services introduced presenter, Geraldine Drake. Geraldine is a Healthcare Interior Designer at Jones Lang LaSalle for Beaumont Health System and has been with Beaumont Health System since 2007. She manages the Interior Design services for Beaumont Health System Royal Oak and Grosse Pointe campuses. She is also responsible for researching, developing and implementing standards for use in the hospitals and off-campus business offices.

In this role, she creates and is carrying out the branding of Beaumont through interior design and LEEDS efforts to create Healthy Interiors with the Healthier Hospitals Initiative and LEED EBOM initiatives. Additionally, Ms. Drake brings a unique combination of healthcare and business strategies to improve patient outcomes through design.

Ms. Drake spoke on the healthy interiors that ensure that 25% of freestanding furniture and medical furnishing purchases based on cost eliminate the intentional use of halogenated flame retardants, formaldehyde, perfluorinated compounds and PVC (also known as vinyl). She talked about the report Reducing Environmental Cancer Risk that supports safer chemicals and What We Can Do Now. Ms. Drake offered in her presentation a chemical policy for health protection and cost production for:

- Cancer
- Reproductive health fertility including birth defects and difficulty in conceiving and maintaining a pregnancy
- Learning and developmental disabilities, including autism
- Asthma

The link for the Safer Chemicals Healthy Families is [www.saferchemicals.org](http://www.saferchemicals.org)

### **Election of Board Officers**

Richard Prestage, representing the Nursing Home Industry, attended his last meeting as the Board Chair. The Governor's office has appointed Les Rodwell as the new

Board Chair. Board Member Prestage expressed his confidence that Rodwell will do a fantastic job. The other members eligible for reappointment are:

- John Wozniak representing the Flammable Liquids Industry
- Greg M. Herman representing Building Trades
- William Mayes representing School Administrators

Currently the Vice Chair position is a yearly election around December, or the first of year. Board Member Mossallam stated that the election cycle is changing. The person who is in that role is asked to continue for the extra months and that all terms start at the same time. It is recommended that the new Vice Chair start in the July term.

Board Member Enkemann entered a **motion** to elect a Vice Chair in the first board meeting after July and the motion was supported by Board Member Renneberg to elect a Vice Chair in the September meeting. **MOTION CARRIED.**

### **New Business**

#### **Bureau Audit**

SFM Miller stated the Bureau is currently being audited by the Auditor General's office and three auditors are assigned in the office. They have worked with the Bureau for six weeks and will be in the office for another six weeks. Staff are constantly meeting with the auditors and responding to requests for information. Auditors are examining the tank program, fire fighter training program, fire inspections, etc. They are expected to cite efficiencies and make recommendations in all areas. Board members will be informed of audit results.

#### **Nursing Home Sprinkler Update**

Kim Osborn reported there are 48 days before the deadline of August 13, for facilities to become fully sprinklered. There are 445 nursing homes in Michigan, 50 homes are not sprinklered, but have submitted plans and are at different stages in the process. Only four facilities in the state haven't submitted any plans at this point. Those facilities were contacted multiple times by various state agencies and advocacy groups. Beth Bacon from HCAM contacted all of their members multiple times and indicated over the past five years every time I do an inspection nursing homes are reminded of the requirement.

No facility has applied for the federal waiver. This waiver is not official and is currently out for public comment. There were four major criteria that the homes would potentially have to meet to be eligible for the Waiver:

- 1) Building a brand new building or major renovations
- 2) Certificate of Need established
- 3) Completed and submit the Waiver request prior to the deadline of August 13, 2013

#### 4) Provide documentation that money is available

If a facility is not sprinklered by August 13, we will continue to survey at our normal 12 month inspection cycle. When a facility is surveyed in September and is not sprinklered, the nursing home will be cited and CMS with beginning the termination process.

#### Good of the Order

SFM Miller clarified that Board members will receive the agenda and draft minutes electronically and printed copies will also be available in their folders at the meeting. He also stated that if there are no objections, the next meeting will start off with the Pledge of Allegiance.

Board Member Jensen announced the Michigan Propane Association is putting on a propane emergency training tonight at 6:00 p.m., at the Delta Township Fire Department. The meeting will begin at 6:00 p.m., in the classroom and a fire demonstration is scheduled at approximately 7.45 p.m., depending on the class. He encouraged Board members who have not seen a fire demonstration and are in the area to stop at the fire department for an impressive demonstration.

SFM Miller indicated he was contacted by the state communications department looking for ways to promote the Bureau. The fire demonstration would be a perfect situation to send the state cameras over to get some footage.

Anyone that would like to submit an article for the Bureau of Fire Services quarterly newsletter "Fire Connections" is more than welcome.

Board Chair Prestage concluded the meeting with the following remarks, "I really enjoy being active in the fire service. I own two facilities. I joined the Board a long time ago because HCAM ask me to represent the industry. I was originally appointed by Governor Engler in his first term. He appointed me two or three times and Governor Granholm continued the appointments. When Ron Farr went from the Board Chair to the State Fire Marshal I was chosen as Chair to the Board. It's been an absolute pleasure. I want to thank everybody. I appreciate your time and what you had done. I think Les, you have a fantastic Board. I don't know that we have had the depth of experience that we have right now. I wish you luck. Rich has me on the single fire code committee. I still get to ride on the fire truck and that kind of stuff I love. I'm not going anywhere. Give me a call.

Board Member Rodwell thanked Dick for his past work. "Thank you for your confidence in me. Being appointed Chair I know that I have some big shoes to fill. I am confident that I can do it. I echoed your thoughts on the excellent Board that we have had for the past two years. I think we will do a great job in the future."



**NEXT MEETING DATE**

The next meeting will be held Thursday, September 5, 2013, at 1:00 p.m., at 3101 Technology Blvd., Suite H, Lansing, MI.

**ADJOURMENT**

A Motion was made by Board Member Mallos and supported by Board Member Rodwell to adjourn the meeting at 2:50 p.m. **MOTION CARRIED.**

Approved

  
Chair, State Fire Safety Board

9-5-13  
Date